

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBINSON BROS. CONSTR. INC.,

Defendant.

CASE NO. C11-5357 BHS

ORDER GRANTING  
DEFENDANTS' MOTION FOR  
PARTIAL SUMMARY  
JUDGMENT

This matter comes before the Court on Defendants Mike Rakoz, Robinson Bros. Constr. Inc., and Craig Sorenson's ("Defendants") motion for partial summary judgment (Dkt. 46).

On May 9, 2011, the Government filed a complaint against Defendants asserting numerous causes of action, including claims for negligent and intentional misrepresentation. Dkt. 1. On July 17, 2013, Defendants filed a motion for summary judgment on the misrepresentation claims. Dkt. 46. The Government failed to respond which the Court considers an admission that Defendants' motion has merit. Local Rule CR 7(b)(2).

1 With regard to the merits of the motion, the Government has failed to meet its  
2 burden. On an issue where the nonmoving party will bear the burden of proof at trial, the  
3 moving party can prevail merely by pointing out to the district court that there is an  
4 absence of evidence to support the non-moving party's case. *Celotex Corp. v. Catrett*,  
5 477 U.S. 317, 325 (1986). If the moving party meets the initial burden, the opposing  
6 party must set forth specific facts showing that there is a genuine issue of fact for trial in  
7 order to defeat the motion. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250 (1986).

8 In this case, Defendants have shown that there is an absence of evidence to  
9 support the Government's claims for negligent and intentional misrepresentation. Dkt.  
10 46 at 7–11. The Government has failed to set forth specific facts showing that there is a  
11 genuine issue of material fact for trial. Therefore, the Court **GRANTS** Defendants'  
12 motion.

13 **IT IS SO ORDERED.**

14 Dated this 21st day of August, 2013.

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17 BENJAMIN H. SETTLE  
18 United States District Judge  
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